

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No.: 2:21-cr-00157**

**SETH O. DAVIS**

**MEMORANDUM OPINION AND ORDER**

On October 25, 2022, came the United States by Ryan A. Keefe, Assistant United States Attorney, and came the defendant in person and by his counsel, Emily Szopinski, Assistant Federal Public Defender, for the purpose of a hearing on the petition to revoke the defendant's term of probation. Also present was Justin L. Gibson, Senior United States Probation Officer.

The Court informed the defendant of the alleged violations contained in the petition to revoke the term of probation, filed on October 29, 2021. The Court advised the defendant that, pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedure, he has a right to a hearing and assistance of counsel before his term of probation could be revoked. Whereupon the defendant admitted to the charges in the petition. The Court found the charges were established by a preponderance of the evidence.

After giving counsel for both parties and defendant an opportunity to speak regarding the matter of disposition, the Court **ORDERED** that the defendant's term of probation be revoked, and he is to be incarcerated for a term of sixty (60) days. Upon completion of his term of incarceration, the defendant will not be subject to any further supervision by the United States Probation Office. The defendant shall receive credit for time served.

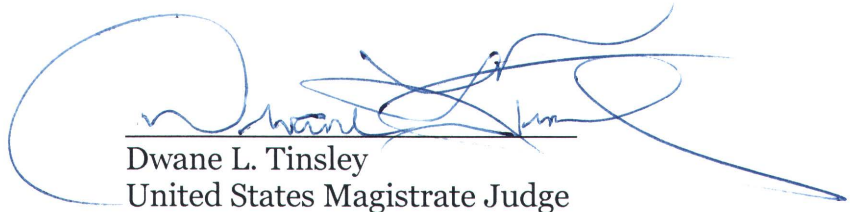
In considering the proper term of imprisonment to be imposed, the Court considered the factors set forth in 18 U.S.C. § 3553(a)(4)(B) and 18 U.S.C. § 3565(a)(2), as well as the Chapter 7 policy statement and concluded that the sentence imposed is an appropriate sanction for the defendant's breach of trust, taking into account the nature and circumstances of the offense and the history and characteristics of the defendant. The Court further concluded that the sentence imposed will provide adequate deterrence to criminal conduct and protect the public from further crimes of the defendant.

The defendant was informed of his right to appeal the Court's findings and the revocation of his probation. The defendant was further informed that in order to initiate such appeal, a Notice of Appeal must be filed in this Court within fourteen (14) days. The defendant was advised that if he wishes to appeal and cannot afford to hire counsel to represent him on appeal, the Court will appoint counsel for him. The defendant was further advised that if he so requests, the Clerk of Court will prepare and file a notice of appeal on his behalf.

It is hereby **ORDERED** that the defendant is detained and remanded to the custody of the United States Marshals Service.

The Clerk is directed to provide copies of this Order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshals Service.

**ENTER:** October 25, 2022



Dwane L. Tinsley  
United States Magistrate Judge